

Amendment No. 1 to SB0758

Person, Curtis
Signature of Sponsor

AMEND Senate Bill No. 758

House Bill No. 524*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by adding the following language as new subdivision (3) of subsection (a) in the amendatory language of Section 1 of the bill:

(3) Nothing contained in subdivisions (1) and (2) hereof shall prohibit the application of common law liability as a basis for liability of a bona fide person engaged in the business of renting boats or a person engaged in the business of selling, repairing or manufacturing boats that loans a boat to a consumer or potential consumer on a temporary basis for injury or damages occasioned by the negligent operation of that vessel.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 69-9-215(b), is amended by designating the existing subsection as subdivision (b)(1) and by adding a new subdivision thereto, as follows:

(2) In all actions for injury to persons or property caused by the negligent operation or use of any boat, vessel or motor propelled watercraft within this state, proof of ownership of such vessel shall be prima facie evidence that such vessel at the time of the cause of action was being operated and used with authority, consent and knowledge of the owner in the transaction out of which such injury or cause of action arose, and such proof of ownership likewise shall be prima facie evidence that such vessel was being operated by the owner, or by the owner's servant, for the owner's use and benefit and within the course and scope of the servant's employment. The prima facie evidence provisions of this subdivision shall also apply in cases of the negligent operation of a vessel being test-driven by a prospective purchaser with the knowledge and consent of the seller or the seller's agent whether or not the seller or the seller's agent is

present in the vessel at the time of the alleged negligent operation. This section is intended to be remedial and it is the legislative intent that it be given a liberal construction.